

91st Legislative Session – 2016

Committee: House Judiciary

Wednesday, February 03, 2016

P - Present
E - Excused
A - Absent

Roll Call

P DiSanto
P Gibson
P Haugaard
P Hunt
P Johns
E Killer
P Langer
P Latterell
P Peterson (Kent)
P Russell
P Westra
P Stevens, Vice-Chair
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 27, 2016

Moved by: Hunt
Second by: Langer
Action: Prevailed by voice vote.

HB 1068: adopt the South Dakota Nonprofit Corporation Act.

THE CHAIR DEFERRED HB 1068

HB 1085: provide for the forfeiture of any vehicle used by a person convicted of a third offense for driving under the influence.

Presented by: Representative Haggar (Don) (Handouts: #1)
Proponents: Gregg Spindler, New York, self - telephone testimony
Charles Mcguigan, Office of Attorney General
Paul Bachand, States Attorney Association
Opponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys
AJ Franken, Governor's Office
Roger Tellinghuisen, South Dakota Trial Lawyers Association

MOTION: DEFER HB 1085 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Langer
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1085

Moved by: Latterell
Second by: Hunt
Action: Failed by roll call vote. (1-11-1-0)

Voting Yes: Latterell

Voting No: DiSanto, Gibson, Haugaard, Hunt, Johns, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Excused: Killer

THE MOTION TO DEFER HB 1085 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Langer
Action: PREVAILED BY ROLL CALL VOTE. (11-1-1-0)

Voting Yes: DiSanto, Gibson, Haugaard, Hunt, Johns, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Voting No: Latterell

Excused: Killer

HB 1088: revise and consolidate certain civil forfeiture provisions.

Presented by: Representative Haggar (Don) (Handouts: #2, #3)
Proponents: AJ Franken, Governor's Office
Opponents: Charles Mcguigan, Office of Attorney General
Paul Bachand, States Attorney Association
Staci Ackerman, South Dakota Sheriffs Association

MOTION: AMEND HB 1088

1088ya

On page 8 of the printed bill, delete lines 15 and 16, and insert "The following are subject to forfeiture under the terms of section 14 of this Act and".

On page 9, delete line 24, and insert "The following are subject to forfeiture under the terms in section 15 of this Act and".

On page 10, delete line 1.

Moved by: Stevens
Second by: Langer
Action: Withdrawn.

THE CHAIR DEFERRED HB 1088

MOTION: ADJOURN

Moved by: Langer
Second by: Peterson (Kent)
Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

G. Mark Mickelson, Chair